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for NSPG (10/11).

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EXECUTIVE SECRETARIAT
ROUTING SLIP

TO:		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	EXDIR				
4	D/ICS				
5	DDI		X		
6	DDA				
7	DDO		X		
8	DDS&T				
9	Chm/NIC				
10	GC				
11	IG				
12	Compt				
13	D/OLL				
14	D/PAO				
15	VC/NIC				
16	C/ACIS	X			
17	NIO/SP		X		
18	D/SOVA		X		
19	ES		✓		
20					
21					
22					
	SUSPENSE		Date		

Remarks

Executive Secretary

Date

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

3915

~~CONFIDENTIAL~~ October 10, 1985

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MEMORANDUM FOR MR. DONALD [redacted]
Assistant to the Vice President for National Security Affairs

Executive Secretary
Central Intell. Agency

MR. NICHOLAS PLATT
Executive Secretary
Department of State

CAPT JOHN W. RITOFF
Executive Assistant to the Chairman
Joint Chiefs of Staff

COL DAVID R. BROWN
Executive Secretary
Department of Defense

MR. WILLIAM B. STAPLES
Executive Secretary
Arms Control and Disarmament Agency

SUBJECT: NSPG Meeting on ABM Treaty Issues, Friday, October 11, 1985 (C)

There will be a National Security Policy Group meeting on Friday, October 11 at 11:00 a.m. in the Cabinet Room. (C)

Invitations to attendees will be separately transmitted. The agenda for the meeting is attached. (U)

William F. Martin

William P. Martin
Executive Secretary

[redacted]
Attachment:
As stated.

[redacted]
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NATIONAL SECURITY POLICY GROUP MEETING
Friday, October 11, 1985
Cabinet Room
11:00 a.m. - 12:00

ABM TREATY ISSUES

Agenda

I.	Introduction and Overview of ABM Treaty Issues	Robert C. McFarlane (15 minutes)
II.	Discussion	All Participants (40 minutes)
III.	Summary	Robert C. McFarlane (5 minutes)

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WASHFAX RECEIPT

THE WHITE HOUSE

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MESSAGE NO. 3714 CLASSIFICATION CONFIDENTIAL PAGES two

FROM WILLIAM MARTIN EOM 456-2224

(NAME) (EXTENSION) (ROOM NUMBER)

MESSAGE DESCRIPTION NSPG AGENDA

LOG #: 90998

TO (AGENCY)	DELIVER TO:	DEPT/ROOM NO.	EXTENSION
STATE	NICK PLATT	EXECUTIVE SECRETARY	
STATE	WILLIAM B STAPLES ACDA	EXECUTIVE SECRETARY	
DEFENSE	COL DAVID BROWN	EXECUTIVE SECRETARY	
	CAPT JOHN BIRDOFF JCS	EXECUTIVE ASSISTANT TO CHAIRMAN	
CIA		EXECUTIVE SECRETARY	

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REMARKS URGENT

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UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Washington, D.C. 20451
October 9, 1985

MEMORANDUM TO THE FILES

FROM: GC - Thomas Graham, Jr.

SUBJECT: ARTICLE V OF THE ABM TREATY AND FUTURE SYSTEMS

Attached are the following papers relevant to the subject:

1. First OSD paper on the subject, distributed September 19, 1985.
2. ACDA GC reply, dated September 20, 1985.
3. Second OSD paper on the subject, distributed September 20, 1985.
4. ACDA reply, dated September 23, 1985.
5. Third OSD paper, dated September 24, 1985.
6. ACDA GC reply, dated September 27, 1985.
7. Paul Nitze paper of September 23, 1985.
8. State Legal Advisor Opinion, May 23, 1983.
9. State Legal Advisor Memorandum, October 3, 1985.
10. Negotiating history Memorandum of Memorandum of Conversation, at which the relevant text of Article V was agreed, September 15, 1971.
11. Soviet Negotiator comment on this Agreement, December 4, 1971.
12. Book Comment by SALT I Legal Advisor, 1974.
13. Administration FY-1984 Arms Control Impact Statement, March 1983.
14. SDIO Report to the Congress, March 15, 1985.
15. Soviet Defense and Space Plenary Statement of June 25, 1985.
16. Secretary Laird (June 6, 1972) and Dr. John Foster (June 22, 1972) testimony before Senate Armed Services Committee.

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This paper addresses ABM Treaty terminology relating to ABM systems and components and related limitations on such systems based on "other physical principles"; technologies not current at the time that the treaty was signed in 1972. The ABM Treaty provisions dealing with "current" and future technology can be most clearly understood by considering the two broad categories of ABM systems contemplated by the Treaty.

a) "Current" systems. These are systems consisting of fixed, land-based components that composed the "current" systems at the time the Treaty was negotiated. Article II defines such components as ABM interceptor missiles, ABM launchers and ABM radars. The deployment of such components is limited to locations and numbers specified in Article III and such components may be tested in conformity with Article IV.

b) ABM systems based on "other physical principles" addressed in Agreed Statement D. These are ABM systems with components based upon physical principles other than those used in ABM systems "current" at the time the Treaty was negotiated. These would be devices capable of substituting for ABM interceptor missiles, ABM launchers or ABM radars. Articles III and IV and Agreed Statement D allow the research, development and testing of such components, but prohibit their deployment absent prior discussion pursuant to Article XIII and agreement to amend the Treaty in accordance with Article XIV.

In this latter category, the ordinary meaning of Agreed Statement D is that "specific limitations" on ABM systems "based on other physical principles" will be "subject to discussion." The use of the phrase "currently consisting of" in Article II can be read to mean that all future variants of existing ABM systems and components are covered by the Treaty. In that case, Article V would prohibit testing, development, and deployment of all mobile systems using new technologies. On the other hand, if Articles II and V had this effect, there would not be a need for the undertaking in Agreed Statement D to discuss "specific limitations" on future ABM systems "based on other physical principles." The fact that "specific limitations" on future systems remain "subject to discussion" indicates that the Treaty by itself does not limit these systems.

Agreed Statement D clearly envisions that future systems based on other physical principles may be "created" and therefore may be developed and tested. However, in order to insure the fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III, the Agreed Statement imposes a duty on the Parties to confer and agree to "specific limitations" on these future systems before they are deployed. In hearings before the House Armed Services Committee prior to ratification of the ABM Treaty, Ambassador to the SALT Negotiations, Gerard Smith, explained this provision as follows:

"On this point, Mr. Chairman, there is an agreed interpretation with respect to ABM systems based on different physical principles, and including components capable of substituting for those components used at present--that is, launchers, missiles and radar components. If such new systems are developed, and one or the other side wants to deploy them under the limitations of this treaty, there would have to first be a discussion of the question in the Standing Consultative Commission we are proposing to establish under this treaty, and then the treaty would have to be amended before such novel ABM systems could be deployed."

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MEMORANDUM FOR: Distribution

SUBJECT : Inter-Agency Meeting

Type of Meeting	NSPG
Date	11 October 1985
Time	1100
Place	Situation Room
Chaired By	President
Attendees	DCI
Subject/Agenda	Brief the President on U.S. interpretation of the limitations imposed on the SDI Program by the ABM Treaty
Papers Expected	N/A
Info Received	0950, 10 Oct 85, per Carol, NSC

Distribution:

DCI
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Carol informed DCI to attend
10/10/85

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